

To: Fitzpatrick, Ryan (OST)[ryan.fitzpatrick@dot.gov]; Rivera, Yvette (OST)[yvette.rivera@dot.gov]; Goodwill, Rosanne (PHMSA)[rosanne.goodwill@dot.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Biffi, Betsy[Biffi.Betsy@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]
From: Martinez, Brittany
Sent: Thur 1/11/2018 2:32:08 PM
Subject: FW: Voluntary BTB Coalition Proposal
[BTB_ECCB_08JAN18_EPAVolAgrLtr_02a.pdf](#)
[BTB_ECCB_08JAN18_EPAVolAgrProposal_02a.pdf](#)
[Exh01_BTBT2017-01-06-Response to Circuit Court-CAL16-34965.doc.pdf](#)
[Ref01_BTBT_PSC_ScopingQuestions08JAN18.pdf](#)
[Ref02_Powell Resolution Document.pdf](#)
[Ref03_BTBT_ECCB_02NOV17_Definitions-Glossary.pdf](#)
[Ref04_BTBT TitleVI CompPlan_01a.pdf](#)
[Ref05_BTBT TitleVI MDAgencyPlans_01a.pdf](#)
[03Scoping.pdf](#)
[What is NEPA and the Scoping Process 2009.pdf](#)

FYI- Information received from BTB Coalition. I will schedule time either next week or the following to discuss in preparation for our meeting with the MD agencies.

From: B. Thomas Burton [mailto:btbcoalition@gmail.com]
Sent: Thursday, January 11, 2018 8:42 AM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Subject: Re: Voluntary BTB Coalition Proposal

Okay, I will.

Please note the letter references document "Ref01_ECCB Questions for PSC 08JAN18" that has been replaced by " Ref01_BTBT_PSC Scoping/Questions/08JAN18"

Thank you,

Kamita

On Thu, Jan 11, 2018 at 8:18 AM, Martinez, Brittany <Martinez.Brittany@epa.gov> wrote:

Thank you Ex. 6 - Personal Privacy Unfortunately we are unable to open the attached document in its current format. It appears that it may be a zipped file that has been blocked. If possible, can you resend as separate files?

From: B. Thomas Burton [mailto:btbcoalition@gmail.com]
Sent: Wednesday, January 10, 2018 11:04 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Voluntary BTB Coalition Proposal

Great Day, Ms. Martinez and Ms. Dorka

I have attached the BTB Letter and appropriated files.

Our apology we will not make excuses due to weather related emergency, outages and floods we got behind.

Thank you for your time and consideration. If you have any questions please feel free to contact us.

Kamita

BTB Coalition.

To: Martinez, Brittany[Martinez.Brittany@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Biffi, Betsy[Biffi.Betsy@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Bachle, Laura[Bachle.Laura@epa.gov]
From: Covington, Jeryl
Sent: Fri 6/17/2016 2:50:16 PM
Subject: RE: Brandywine Investigation
NAACP letter mentioned today
Brandywine

FYI-

The letter from the NAACP was not issued to EPA but to DOT. EPA requested a copy of this correspondence which was forward (first attachment).

The communications from AkinGump was received after the meeting with DOT. This email was issued to Velveta and the T6 complaints website and responded to by Rosanne Goodwill on June 10, 2016 (second attachment).

From: Goodwill, Rosanne (PHMSA) [mailto:rosanne.goodwill@dot.gov]
Sent: Friday, June 17, 2016 10:40 AM
To: Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Biffi, Betsy <Biffi.Betsy@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Cc: Bachle, Laura <Bachle.Laura@epa.gov>
Subject: Brandywine Investigation

Ex. 5 - Deliberative Process

Rosanne Goodwill

PHMSA

Office of Civil Rights

202-366-6580

Cell: 202-365-5560



From: Fitzpatrick, Ryan (OST)

Sent: Friday, June 17, 2016 8:46 AM

To: 'Martinez, Brittany'; Dorka, Lilian; Covington, Jeryl; Biffi, Betsy; Rhodes, Julia; Goodwill, Rosanne (PHMSA); Rivera, Yvette (OST); Caro-Lopez, Howard (OST); Neal, Daria (CRT)

Cc: Bachle, Laura

Subject: RE: Brandywine Investigation Plan Discussion

We could come to EPA if we want to do this in person, and set up a conference line for those who can't make it. What do you think?

Ryan N. Fitzpatrick, Esq.

Lead Civil Rights Analyst

Departmental Office of Civil Rights

Office of the Secretary

U.S. Department of Transportation

(202) 366-1583

-----Original Appointment-----

From: Martinez, Brittany [<mailto:Martinez.Brittany@epa.gov>]
Sent: Thursday, June 16, 2016 4:56 PM
To: Martinez, Brittany; Dorka, Lilian; Covington, Jeryl; Biffl, Betsy; Rhodes, Julia; Goodwill, Rosanne (PHMSA); Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Caro-Lopez, Howard (OST); Neal, Daria (CRT)
Cc: Bachle, Laura
Subject: Brandywine Investigation Plan Discussion
When: Wednesday, June 22, 2016 9:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call In Number Will Be Provided

Hello all-

We are still working on our schedules, but this looks like it may work for most. Additional information, including the draft investigation plan is forthcoming.

To: Rivera, Yvette (OST)[yvette.rivera@dot.gov]; Goodwill, Rosanne (PHMSA)[rosanne.goodwill@dot.gov]; Fitzpatrick, Ryan (OST)[ryan.fitzpatrick@dot.gov]; Small, Kevonne (CRT)[Kevonne.Small@usdoj.gov]; Daria.Neal@usdoj.gov[Daria.Neal@usdoj.gov]
Cc: Biffl, Betsy[Biffl.Betsy@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Bachle, Laura[Bachle.Laura@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
From: Dorka, Lilian
Sent: Mon 6/13/2016 10:53:20 PM
Subject: FW: OCR's ACCEPTANCE FOR INVESTIGATION OF COMPLAINT FILED BY EARTHJUSTICE (for BRANDYWINE Coalition and Patuxent Riverkeeper) AGAINST MD Public Service Commission, MD Department of the Environment, and MD Department of Natural Resources
BRANDYWINE MD COMPLAINT - ACCEPTANCE FOR INVESTIGATION by EPA AND DOT DESK STATEMENT 6-10-2016.docx
Joint Acceptance Letter FINAL DRAFT COMPLAINANT 6-10-2016.doc
Joint Acceptance Letter FINAL DRAFT Recipients 6-10-2016.doc

Hi Yvette, Rosanne and Ryan – here is the email sent our folks today. Just wanted you to know where we are on this. I will plan on us touching base with you early afternoon to see if we are ready to go. Also, Ryan, will you be putting letters together for the other two recipients?

Finally, we need a communications/public affairs contact for DOT, and one for Ex. 7(a) so that we can have a quick meeting (at the request of our senior OPA person) tomorrow to discuss coordination of any press?

Thanks!

From: Dorka, Lilian
Sent: Monday, June 13, 2016 4:16 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Abrams, Dan <Abrams.Dan@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Fritz, Matthew <Fritz.Matthew@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Pieh, Luseni <Pieh.Luseni@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; burrows, Cynthia <Burrows.Cynthia@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: OCR's ACCEPTANCE FOR INVESTIGATION OF COMPLAINT FILED BY EARTHJUSTICE (for BRANDYWINE Coalition and Patuxent Riverkeeper) AGAINST MD Public Service Commission, MD Department of the Environment, and MD Department of Natural Resources
Importance: High

Hello Nancy and Dan, attached, please find a Desk Statement we have prepared in anticipation of any press as a result of our proposed **JUNE 14, 2016 (COB) issuance of letters accepting for investigation a complaint filed by Earthjustice on behalf of the BRANDYWINE** Coalition and Patuxent Riverkeeper) against the MD Public Service Commission, MD Department of the Environment, and MD Department of Natural Resources. (Draft acceptance letters also attached FYI.)

The complaint alleges violations of Title VI and asks EPA OCR, as well as the U.S. Department of Transportation (DOT), Departmental Office of Civil Rights (DOCR) with the Pipeline and Hazardous Materials Safety Administration (PHMSA), to jointly investigate the allegations of discrimination.

We have been coordinating with DOT and DOJ and have determined that we have jurisdiction to investigate and will investigate the case jointly. We have also coordinated with Cecil Rodrigues, our DCRO in Region 3, and he has reviewed the attached letters.

FYI, going forward, we are drafting an Investigative Plan that will set out how the agencies will proceed with the investigation/resolution of this case.

NOTE: when this complaint was filed, there was some press coverage, as well as this recent article at the link below, which provides some not so nice mention of OCR's case resolution record. The acceptance of the complaint for investigation may generate additional press coverage. <http://www.counterpunch.org/2016/06/10/bridging-the-trust-gap-in-energy-justice-battles/>

Please let me know if you have any questions or concerns. Thanks! Lilian

Lilian Sotolongo Dorka

Deputy Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Abrams, Dan[Abrams.Dan@epa.gov]
Cc: Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Bachle, Laura[Bachle.Laura@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Biffl, Betsy[Biffl.Betsy@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Pieh, Lusenii[Pieh.Lusenii@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Tejada, Matthew[Tejada.Matthew@epa.gov]; burrows, Cynthia[Burrows.Cynthia@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Dorka, Lilian
Sent: Mon 6/13/2016 8:16:29 PM
Subject: OCR's ACCEPTANCE FOR INVESTIGATION OF COMPLAINT FILED BY EARTHJUSTICE (for BRANDYWINE Coalition and Patuxent Riverkeeper) AGAINST MD Public Service Commission, MD Department of the Environment, and MD Department of Natural Resources
BRANDYWINE MD COMPLAINT - ACCEPTANCE FOR INVESTIGATION by EPA AND DOT DESK STATEMENT 6-10-2016.docx
Joint Acceptance Letter FINAL DRAFT COMPLAINANT 6-10-2016.doc
Joint Acceptance Letter FINAL DRAFT Recipients 6-10-2016.doc

Hello Nancy and Dan, attached, please find a Desk Statement we have prepared in anticipation of any press as a result of our proposed **JUNE 14, 2016 (COB) issuance of letters accepting for investigation a complaint filed by Earthjustice on behalf of the BRANDYWINE** Coalition and Patuxent Riverkeeper) against the MD Public Service Commission, MD Department of the Environment, and MD Department of Natural Resources. (Draft acceptance letters also attached FYI.)

Ex. 5 - Deliberative Process; 7(a) Law Enforcement

Ex. 5 - Deliberative Process; 7(a) Law Enforcement

Please let me know if you have any questions or concerns. Thanks! Lilian

Lilian Sotolongo Dorka

Deputy Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

Ex. 7(a)

Great. I think we should all be saying the same. Have a great day.

Rosanne Goodwill

PHMSA

Office of Civil Rights

202-366-6580

Cell: 202-365-5560



From: Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]

Sent: Friday, June 10, 2016 8:26 AM

To: Goodwill, Rosanne (PHMSA); Fitzpatrick, Ryan (OST)

Cc: Rivera, Yvette (OST); Bachle, Laura; Martinez, Brittany; Covington, Jeryl; Biffl, Betsy; Temple, Kurt; Daria.Neal@usdoj.gov; Small, Kevonne (CRT)

Subject: RE: News Article on the Complaint

Thanks for the heads up Rosanne! The press is always so kind to EPA OCR. ☺ I will have a draft desk statement soon that I will share with our public affairs office and with you. You can use it if it works for you guys.

From: Goodwill, Rosanne (PHMSA) [<mailto:rosanne.goodwill@dot.gov>]

Sent: Friday, June 10, 2016 7:04 AM

To: Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: News Article on the Complaint

FYI – news article about the complaint. I believe we also need to work on press information. I know my Public Affairs office has asked for talking points. Do any of you have talking points you normally use for these types of issues?

<http://www.counterpunch.org/2016/06/10/bridging-the-trust-gap-in-energy-justice-battles/>

Rosanne Goodwill

PHMSA

Office of Civil Rights

202-366-6580

Cell: 202-365-5560



oc>

To: Johnson, Johahna[Johnson.Johahna@epa.gov]
Cc: O'Lone, Mary[olone.mary@epa.gov]
From: Biffl, Betsy
Sent: Mon 6/6/2016 3:11:40 PM
Subject: FW: Title VI acceptance letters for review
DRAFT Joint Acceptance Letter RECIPIENTS - DORKA COMMENTS 6-5-2016.doc
ATT00001.htm
DRAFT Joint Acceptance Letter - COMPLAINANT - DORKA COMMENTS 6-5-2016.doc
ATT00002.htm

Sorry, Mary, I thought Julia said Title VI questions were for you. Johahna, will you please look at these?

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389



From: Biffl, Betsy
Sent: Monday, June 06, 2016 10:42 AM
To: O'Lone, Mary <olone.mary@epa.gov>
Subject: Title VI acceptance letters for review

Mary, in Julia's absence would you please look at these acceptance letters for the new complaint filed by Earthjustice?

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks!

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389



From: Dorka, Lilian

Sent: Sunday, June 05, 2016 10:27 PM

To: Ryan Fitzpatrick <ryan.fitzpatrick@dot.gov>; Yvette Rivera <yvette.rivera@dot.gov>;
Rosanne Goodwill <rosanne.goodwill@dot.gov>; Bachle, Laura <Bachle.Laura@epa.gov>;
Martinez, Brittany <Martinez.Brittany@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>;
Biffl, Betsy <Biffl.Betsy@epa.gov>

Subject: Fwd: DRAFT ACCEPTANCE LETTERS - BRANDYWINE - (Dorka Comments)

Hi Ryan, excellent job on these draft letters! Thanks so much for drafting! Here are each of the letters with my suggested edits. However, I would also like for OCR's Laura, Brittany and Jeryl as well as our counsel, Betsy, to take a look. Folks, if at all possible, please take a look by tomorrow so that we can provide any additional comments by Tuesday. Once we have drafts we are all comfortable with, we can share with our principals, as appropriate. Again, thanks very much for your help Ryan! Lilian

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; McGhee, Debra[mcghee.debra@epa.gov]; Biffl, Betsy[Biffl.Betsy@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Martinez, Brittany
Sent: Mon 3/27/2017 7:48:29 PM
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Ex. 5 - Deliberative Process

From: Dorka, Lilian
Sent: Monday, March 27, 2017 3:45 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Thanks Brittany and Ryan said they are in ADR and that's it right?

Lilian Sotolongo Dorka

Director, External Civil Rights Compliance Office

EPA, Office of General Counsel

202-564-9649

WJC-N Room 2450

From: Martinez, Brittany
Sent: Monday, March 27, 2017 3:21 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: FW: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

FYI-

From: Shavitz, Ian [<mailto:IShavitz@AKINGUMP.com>]
Sent: Monday, March 27, 2017 3:14 PM
To: Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Good afternoon Ryan,

I was writing to see if you could provide me with a status update on the Title VI action.

Thank you,

Ian Shavitz

Ian A. Shavitz

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: [+1 202.887.4590](tel:+12028874590) | Internal: [24590](tel:24590)
Fax: [+1 202.887.4288](tel:+12028874288) | ishavitz@akingump.com | akingump.com | [Bio](#)

From: Fitzpatrick, Ryan (OST) [<mailto:ryan.fitzpatrick@dot.gov>]
Sent: Wednesday, November 02, 2016 8:35 AM
To: Shavitz, Ian; martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Good morning Mr. Shavitz:

Just to clarify, the complainant and the recipients are currently undergoing Alternative Dispute Resolution (ADR) discussions.

Thanks,

Ryan

Ryan N. Fitzpatrick, Esq.

Lead Civil Rights Analyst

Departmental Office of Civil Rights

Office of the Secretary

U.S. Department of Transportation

W78-312

(202) 366-1979

From: Fitzpatrick, Ryan (OST)

Sent: Tuesday, November 01, 2016 12:54 PM

To: 'Shavitz, Ian'; martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Good afternoon Mr. Shavitz:

Currently, the parties to the investigation are engaged in discussions regarding the

project.

Thanks,

Ryan

Ryan N. Fitzpatrick, Esq.

Lead Civil Rights Analyst

Departmental Office of Civil Rights

Office of the Secretary

U.S. Department of Transportation

W78-312

(202) 366-1979

From: Shavitz, Ian [<mailto:IShavitz@AKINGUMP.com>]

Sent: Monday, October 31, 2016 10:16 AM

To: Fitzpatrick, Ryan (OST); martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Good morning,

I was writing to see if you could provide any status update on the Mattawoman Title VI investigation.

Thank you,

Ian

Ian A. Shavitz

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: [+1 202.887.4590](tel:+12028874590) | Internal: [24590](tel:+12028874590)
Fax: [+1 202.887.4288](tel:+12028874288) | ishavitz@akingump.com | akingump.com | [Bio](#)

From: Fitzpatrick, Ryan (OST) [<mailto:ryan.fitzpatrick@dot.gov>]
Sent: Tuesday, September 13, 2016 5:11 PM
To: Shavitz, Ian; martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Thank you Mr. Shavitz, looking forward to going through this.

Ryan N. Fitzpatrick, Esq.

Lead Civil Rights Analyst

Departmental Office of Civil Rights

Office of the Secretary

U.S. Department of Transportation

W78-312

(202) 366-1979

From: Shavitz, Ian [<mailto:IShavitz@AKINGUMP.com>]
Sent: Tuesday, September 13, 2016 5:02 PM
To: Fitzpatrick, Ryan (OST); martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)

Subject: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Mr. Fitzpatrick, Ms. Martinez, and Mr. Caro-Lopez,

Thank you for taking the time to meet with Mattawoman Energy in Washington D.C. regarding the Earthjustice Title VI complaint. It was very helpful from our end to hear and understand how the Federal agencies intend to proceed with the Title VI investigation. We also hope that we were able to provide your agencies with information concerning the Mattawoman Energy Project's CPCN process.

During our meeting, we committed to provide you with additional information regarding Mattawoman Energy's site selection process; specifically, the other project sites that Mattawoman Energy considered before selecting the current site. This information is included in the attached memorandum. Please note, as stated in the memorandum, that the information being provided is privileged and confidential commercial information and therefore Mattawoman requests that this memorandum not be disclosed or otherwise made public; **MATTAWOMAN WOULD NOT CUSTOMARILY RELEASE SITE SELECTION INFORMATION TO THE PUBLIC AND DISCLOSURE OF SUCH INFORMATION WOULD CAUSE SUBSTANTIAL HARM TO MATTAWOMAN'S COMPETITIVE POSITION REGARDING DEVELOPING POWER GENERATION PROJECTS.**

Please let us know if you have any further questions or require additional information on this issue.

Best,

Ian

Ian A. Shavitz

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: [+1 202.887.4590](tel:+12028874590) | Internal: [24590](#)
Fax: [+1 202.887.4288](tel:+12028874288) | ishavitz@akingump.com | akingump.com | [Bio](#)

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To: Temple, Kurt[Temple.Kurt@epa.gov]; Biffl, Betsy[Biffl.Betsy@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Caro-Lopez, Howard (OST)[howard.caro-lopez@dot.gov]
From: Fitzpatrick, Ryan (OST)
Sent: Tue 11/1/2016 4:51:56 PM
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Ex. 5 - Deliberative Process

Ryan N. Fitzpatrick, Esq.

Lead Civil Rights Analyst

Departmental Office of Civil Rights

Office of the Secretary

U.S. Department of Transportation

W78-312

(202) 366-1979

From: Temple, Kurt [mailto:Temple.Kurt@epa.gov]
Sent: Tuesday, November 01, 2016 12:46 PM
To: Biffl, Betsy; Martinez, Brittany; Dorka, Lilian; Covington, Jeryl; Fitzpatrick, Ryan (OST); Caro-Lopez, Howard (OST)
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Me neither.

From: Biffl, Betsy
Sent: Tuesday, November 01, 2016 12:42 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Caro-Lopez, Howard (OST) <howard.car-lopez@dot.gov>

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

I do not, thanks Brittany.

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389



From: Martinez, Brittany

Sent: Tuesday, November 01, 2016 12:40 PM

To: Biffl, Betsy <Biffl.Betsy@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Biffl, Betsy

Sent: Tuesday, November 01, 2016 10:48 AM

To: Temple, Kurt <Temple.Kurt@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

I agree with Kurt, but wouldn't hurt to touch base with Gina since she's new to the case, make sure we're on the same page.

Thanks,

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389



From: Temple, Kurt

Sent: Tuesday, November 01, 2016 10:46 AM

To: Martinez, Brittany <Martinez.Brittany@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Brittany: I believe our new contact person in Conflict Resolution is Gina Cerasani.

Gina Cerasani, Ph.D. 202-564-0838 cerasani.gina@epa.gov

But, my two cents is to concur with Ryan.

From: Martinez, Brittany

Sent: Tuesday, November 01, 2016 10:43 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: FW: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Please see Ryan's question below. I would have cc'd Will Hall but he is no longer at the agency. His out of office message mentions someone else in his office named Jeanne Briskin. Would you like me to contact her or is Ryan's statement below sufficient?

From: Fitzpatrick, Ryan (OST) [<mailto:ryan.fitzpatrick@dot.gov>]

Sent: Tuesday, November 01, 2016 9:51 AM

To: Martinez, Brittany <Martinez.Brittany@epa.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Ex. 5 - Deliberative Process

Ryan N. Fitzpatrick, Esq.

Lead Civil Rights Analyst

Departmental Office of Civil Rights

Office of the Secretary

U.S. Department of Transportation

W78-312

(202) 366-1979

From: Shavitz, Ian [<mailto:IShavitz@AKINGUMP.com>]

Sent: Monday, October 31, 2016 10:16 AM

To: Fitzpatrick, Ryan (OST); martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)

Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Good morning,

I was writing to see if you could provide any status update on the Mattawoman Title VI investigation.

Thank you,

Ian

Ian A. Shavitz

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: [+1 202.887.4590](tel:+12028874590) | Internal: [24590](tel:24590)
Fax: [+1 202.887.4288](tel:+12028874288) | ishavitz@akingump.com | akingump.com | [Bio](#)

From: Fitzpatrick, Ryan (OST) [<mailto:ryan.fitzpatrick@dot.gov>]
Sent: Tuesday, September 13, 2016 5:11 PM
To: Shavitz, Ian; martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Thank you Mr. Shavitz, looking forward to going through this.

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From: Shavitz, Ian [<mailto:IShavitz@AKINGUMP.com>]
Sent: Tuesday, September 13, 2016 5:02 PM
To: Fitzpatrick, Ryan (OST); martinez.brittany@epa.gov; Caro-Lopez, Howard (OST)
Subject: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

Mr. Fitzpatrick, Ms. Martinez, and Mr. Caro-Lopez,

Thank you for taking the time to meet with Mattawoman Energy in Washington D.C. regarding the Earthjustice Title VI complaint. It was very helpful from our end to hear and understand how the Federal agencies intend to proceed with the Title VI investigation. We also hope that we were able to provide your agencies with information concerning the Mattawoman Energy Project's CPCN process.

During our meeting, we committed to provide you with additional information regarding Mattawoman Energy's site selection process; specifically, the other project sites that Mattawoman Energy considered before selecting the current site. This information is included in the attached memorandum. Please note, as stated in the memorandum, that the information being provided is privileged and confidential commercial information and therefore Mattawoman requests that this memorandum not be disclosed or otherwise made public; **MATTAWOMAN WOULD NOT CUSTOMARILY RELEASE SITE SELECTION INFORMATION TO THE PUBLIC AND DISCLOSURE OF SUCH INFORMATION WOULD CAUSE SUBSTANTIAL HARM TO MATTAWOMAN'S COMPETITIVE POSITION REGARDING DEVELOPING POWER GENERATION PROJECTS.**

Please let us know if you have any further questions or require additional information on this issue.

Best,

Ian

Ian A. Shavitz

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From: Martinez, Brittany
Sent: Tue 11/1/2016 4:40:20 PM
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

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From: Biffl, Betsy
Sent: Tuesday, November 01, 2016 10:48 AM
To: Temple, Kurt <Temple.Kurt@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: RE: Mattawoman Energy Center Project- Information Submission (Contains Privileged and Confidential Commercial Information)

I agree with Kurt, but wouldn't hurt to touch base with Gina since she's new to the case, make sure we're on the same page.

Thanks,

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389



From: Temple, Kurt
Sent: Tuesday, November 01, 2016 10:46 AM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
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